

**Minutes of the Special and Regular Meetings of July 25, 2006**  
**One Twin Pines Lane, Belmont, California**

**SPECIAL MEETINGS**

**CLOSED SESSION - 6:00 P.M.**

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9, potential litigation: One Case.
- B. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 concerning two parcels: 1) property located at 500-510 Harbor Boulevard, Belmont, CA; 2) public right-of-way adjacent to 2200 Ralston Avenue, Belmont, CA
- C. Conference with Legal Counsel, Initiation of Litigation, pursuant to Government Code Section 54956.9: 1 Case (Continued to end of Regular Meeting.)

Attended by Councilmembers Feierbach, Warden, Dickenson, Lieberman, Mathewson, Interim City Manager Cassingham, Deputy City Attorney Noeske (Items B-2 and C only), Lee Rosenthal, Redevelopment Counsel (Items A and B-1), Finance Director Fil, Community Development Director de Melo. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:40 P.M., these special meetings were adjourned, except Item C, which was continued to the end of the Regular Meeting.

Terri Cook  
City Clerk

Meeting not tape recorded or videotaped.

**REGULAR MEETING**

**CALL TO ORDER 8:45 P.M. (Note: Regular Fire Protection District Meeting held prior)**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Dickenson, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Cassingham, Deputy City Attorney Noeske, Community Development Director de Melo, Public Works Director Davis, Police Chief Mattei, Finance Director Fil, City Engineer Phalen, Police Lieutenant DeSmidt, City Clerk Cook.

**SPECIAL PRESENTATIONS**

**Report on Aircraft Noise Abatement Project**

**Bert Ganoung**, Manager, San Francisco Airport's Aircraft Noise Abatement Office, stated that the Cities of Belmont and San Carlos requested that the San Francisco Airport perform noise monitoring of flights over the area. He provided a history of noise monitoring throughout the

region. Permanent, portable systems provide more capability than is what has been used in the past. He explained how the monitoring works. The City of Belmont would have the ability to obtain the data. He clarified that there would be no noise insulation funding available for Belmont since it is not immediately adjacent to the airport. He shared photos of the equipment to be used, and noted that the Buckland Water Tank has been identified as a monitoring site.

In response to Council questions, Mr. Ganoung stated that the new monitoring system is able to differentiate between types of aircraft, and is able to perform flight tracking. It can track the type of aircraft in order to specify the associated airport.

### **REPORT FROM CLOSED SESSION**

Mayor Mathewson stated that the Council held two of the three Closed Sessions (Items A and B) scheduled earlier in the evening, and that the third Session (Item C) would be continued until after adjournment of the regular meeting. Direction was given but no action taken on the other items.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Glenn Maguet**, Belmont resident, stated he performs a number of hours of community service work every week. There is a need for additional handicapped parking in TwinPines Park. He described his frustration in obtaining parking information at City Hall, and there should be a process in place so people do not get the runaround. He also commented that the City of Belmont took property from the Belmont Sea Scouts a number of years ago.

**Connie Maguet**, Representative to the Belmont Senior Club, stated that there is a parking problem for seniors at Twin Pines Park. Temporary handicapped parking will be installed in the area adjacent to the Cottage. The seniors assumed the old police building would be torn down and parking added, and are now being told this is not the case.

Mayor Mathewson requested that staff provide a response to the speakers regarding their issues.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Lieberman announced that this meeting would be the final meeting for Interim City Manager Cassingham. He expressed his thanks and appreciation for her service.

Councilmember Warden reminded everyone that the next Council Meeting (August 8) would be Hawaiian Shirt Night.

Mayor Mathewson stated that August 6-12<sup>th</sup> was designated as Farmer's Market Week, and he had issued a Proclamation.

**Chris Hanks**, Certified Farmer's Market Association, thanked the Mayor for issuing the Proclamation, and stated he would share it with the vendors at Belmont's Farmer's Market.

Mayor Mathewson presented Community Development Director de Melo with a balloon in celebration of his birthday.

## **AGENDA AMENDMENTS**

City Clerk Cook indicated that she had received correspondence prior to the meeting from Judi Allen, Belmont resident, regarding Item 4-C (Ordinance amending Article VIII, Section 15-100 et seq., of the Belmont Municipal Code (Noise Ordinance & Construction Activity)). She noted that Ms. Allen wrote to thank the Council, staff, and the noise ordinance subcommittee for their work on this ordinance. Mayor Mathewson stated he wished to remove this item from the Consent Calendar for separate consideration.

## **CONSENT CALENDAR**

**Approval of** Minutes of Special Meeting of March 22, 2006 (Commission Interviews) and Special and Regular Meeting of June 27, 2006

**Acceptance of** Written Communication: 1) Received July 7, 2006, Matter before the Public Utilities Commission regarding Southern Cal Edison's Annual Report of 2005 Activities

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved, as amended, by a show of hands.

## **ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

**Ordinance amending Article VIII, Section 15-100 et seq., of the Belmont Municipal Code (Noise Ordinance & Construction Activity)**

Discussion ensued regarding the definition of leaf blowers and the starting time for Saturday work.

Mayor Mathewson stated that the proposed ending time of 9:00 p.m. for work performed by homeowners was too late into the evening, and he proposed setting the hours from 10:00 a.m. to 5:00 p.m. for Saturdays, Sundays, and holidays, and weekday hours should be the same as those permitted for contractors.

Councilmembers Warden and Feierbach concurred with the proposal for a 10:00 a.m. starting time for Saturdays, Sundays and holidays.

Councilmember Lieberman expressed his support for longer hours for property maintenance, but he was willing to go along with Council consensus regarding this issue.

Councilmember Dickenson stated that if the hours were too restrictive, police resources would be expended to enforce.

Police Chief Mattei recommended consistency for ease of enforcement. Complaints made to the police department will need to be monitored.

In response to Councilmember Feierbach's question regarding public outreach regarding this new ordinance, Police Chief Mattei noted that flyers would be printed, a press release issued, and the information would be provided on the City's website. Community Development Director de

Melo added that a letter would be sent to all businesses, and an information brochure was being drafted.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, and unanimously approved by a show of hands to adopt Ordinance 1018 Amending Article VIII, Section 15-100 et seq., of the Belmont Municipal Code (Noise Ordinance & Construction Activity), amended to allow the use of powered equipment by residential property owners between the hours of 8:00 a.m. to 7:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. Saturdays, Sundays, and holidays; said motion to include a one-year review.

Councilmember Feierbach expressed her thanks to staff and the committee for their work on this ordinance.

## **OLD BUSINESS**

### **Resolution Approving Establishment of a 20-foot “No Parking” Zone on the West Side of Alameda de Las Pulgas North of the Belmont Library Driveway at 1110 Alameda de Las Pulgas and Removal of the Parking Restrictions on the West Side of Alameda de Las Pulgas between the Belmont Library and Valerga Drive**

Public Works Director Davis stated that additional parking spaces would be created on Alameda de las Pulgas between the library and Valerga Drive, not to Garden Court as previously stated. This would result in an additional eight or nine spaces south of the library. Twenty feet of red curb would be added just north of the library driveway to improve site distance for vehicles exiting the driveway.

Councilmember Warden stated that it was known that parking would become an issue with the new library, and every parking place is needed. He expressed appreciation for the loading/unloading zone which provides for easy drop-off of library materials.

In response to Mayor Mathewson, Public Works Director Davis clarified that staff would follow up regarding on-site traffic circulation.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, Resolution 9798 Establishing a 20-foot “No Parking” Zone on the West Side of Alameda de Las Pulgas North of the Belmont Library Driveway at 1110 Alameda de Las Pulgas and Removal of the Parking Restrictions on the West Side of Alameda de Las Pulgas between the Belmont Library and Valerga Drive was unanimously approved by a show of hands.

Council concurred to review this item in one year.

### **Automated Red Light Photo Enforcement Project - Update and Vendor Presentation**

Police Sergeant Halleran reviewed the information regarding the proposed establishment of a red light photo enforcement program. He noted that the recommended vendor, Nestor, was selected based on the fact that it met the specifications, and staff concluded that Nestor provided the least amount of visual impact of all vendors. There is no requirement for pavement cuts. He reviewed the regulations regarding automated speed enforcement, and noted that this is neither covered by the Vehicle Code nor recognized by the Court. Only one jurisdiction outside of California is

using this system. The City of San Jose issues citations, but he noted the automated system is monitored by a person in a van, which is a requirement. Speed enforcement software can be added now for data collection and to issue warnings, if desired.

In response to Council questions, Sergeant Halleran stated that there have been ten collisions in five years attributable to red light running. He added that there were 1216 red light traffic citations issued during the same time period. He noted that this figure does not include the actual number of red light runners, and that data would be collected prior to installation to ascertain the true number of violations.

**Scott Elrod**, Nestor Company, provided background on his company. He noted that a case has never been lost due to issues with the company's technology. Nestor writes and supports its own software, and they are the only company that provides collision avoidance. He provided accident data due to red light running, and he explained how the equipment works. He noted that in addition to obtaining the driver's photo, the front and rear license plates are also photo-captured. There is a 24-48 hour turnaround time for issuance of the citation, and less than one percent of citations go to court. Offenders have the ability to go on line and view the video, which cuts down on court appearances. Citations can be paid electronically. He reviewed the procedures for processing citations.

In response to Council questions, Sergeant Halleran explained that offenders have the option to request traffic school, and they can request a reduction in the fine. Only the courts have jurisdiction over the driving record points system. He noted that other cities have experienced a reduction in red light running following installation of an automated system, but it is never eliminated. There is a 30-day grace period at the commencement of the enforcement program. Signs are required to be posted at city entrances to advise drivers of the program. The decision to issue a citation is at the discretion of an officer, since the information is transmitted to them first.

Mr. Elrod noted that policies and procedures regarding the issuance of citations rest with the police department, and would be put in place prior to implementation.

Council discussion ensued regarding speed enforcement. Public Works Director Davis clarified that legislative action would be required to enable jurisdictions to use automated systems for these citations, and currently there is no legislation pending.

Mr. Elrod noted that funding for the red light program comes from citations. Selected intersections would be evaluated prior to installation, and high-volume intersections are likely to produce enough citations to make the program cost effective. He clarified that the local police department can monitor the system electronically at any time.

**Rick Ledford**, Nestor Company, explained that officer safety is a factor when considering an automated program. This equipment enhances law enforcement, since the video can be utilized for other problems. He also commented that data would still be collected even if communications are down due to factors such as weather.

**Gennady Troyan**, Belmont resident, stated that ten collisions in five years was not a high number. He expressed concern that the revenue generated by citations would go to the company but not the City, resulting in a loss of revenue. He requested clarification regarding how there would be enough revenue generated to cover the cost of the contract. He also requested before and after installation data from San Mateo's program.

Sergeant Halleran responded that the City receives only one-third of the amount of the citation, and Court costs capture the remaining amount for other traffic enforcement programs. The City will receive any revenues above the fixed contract amount, and he noted that most cities experience a positive cash flow following installation. He commented that the automated system allows officers normally assigned to catch red light runners to be used for other law enforcement activities.

Mr. Ledford clarified that the equipment would be installed only at locations where there is a potential for a high volume of citations. Hard data will be needed for each potential site.

Council concurred to proceed with data collection for the potential implementation of an automated red light citation program.

**MEETING EXTENSION** at this time, being 10:30 p.m., on a motion by Councilmember Warden, seconded by Councilmember Dickenson, the meeting was unanimously extended for 30 minutes by a show of hands.

#### **Discussion and Direction Concerning the Status of the Pavement Management Program**

City Engineer Phalen stated that staff would be bringing a list of streets needing rehabilitation to the Council for prioritization in September. She noted that a pavement management program is required to make the City eligible for grants and other funding for streets. Belmont has a program in place. She explained the various types of pavement, and noted that the type to be installed is determined by the use of the road. Pavement has a finite life. Trench cuts break down pavement, as do other factors such as the weather.

City Engineer Phalen explained the Pavement Condition Index (PMI), and provided examples of each. Maintenance of roads in good condition extends its life. She provided examples of surface treatments, and noted that the costs of these treatments are less than full reconstruction. She reviewed the various revenue sources available for street repair and reconstruction, and provided information regarding the current year's budget. She also reviewed the PMI categories for Belmont's streets, and noted that over half are in good or excellent condition.

Public Works Director Davis stated that State and Federal monies are available only for collector and arterial streets, and the challenge is to prioritize and finding funding sources for residential street maintenance and repair.

#### **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

**Discussion to Consider Applying the San Juan Canyon and Western Hills Slope Density Formula to the Rest of the City. (Feierbach)**

Councilmember Feierbach stated that slope density is a factor in evaluating the ability to subdivide residential lots in the San Juan Canyon and Western Hills areas, but is not a factor for those in the remainder of the City. She proposes to apply this factor equally. Proposition 90 on the November ballot, if passed, could prohibit the down-zoning of properties. The number of parcels this affects and the legal ramifications would need to be ascertained, as well as a timeline before the November election.

In response to Council questions, Community Development Director de Melo stated that if there were a desire to move forward with this, because of the time sensitivity for the November ballot, other projects would need to be shifted.

Councilmember Warden expressed support for reviewing this issue because of the potential consequences of Proposition 90. He noted that according to the proposition's documentation, it would become effective the day following the election.

Discussion ensued.

**MEETING EXTENSION** at this time, being 11:00 p.m., on a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, the meeting was unanimously extended for 30 minutes by a show of hands.

Councilmember Dickenson expressed support for further review of this issue, and noted that there had been too much dialog on this, in view of the Item 9 process.

Council concurred to place this item on the August 8<sup>th</sup> agenda for further consideration.

**Consideration of Change in Intergovernmental Assignment for Economic Development Subcommittee (Warden)**

Councilmember Warden stated that the Economic Development Subcommittee meets during the day, and because of his work schedule, he is currently not available to meet then. He requested a replacement on this committee.

Councilmembers Feierbach and Lieberman expressed interest in serving. Councilmember Lieberman commented that this request may present an opportunity to change the makeup of this subcommittee.

Mayor Mathewson expressed interest in remaining as a member of the subcommittee, at least until the Council reorganization later in the year.

Councilmember Lieberman stated there may be connectivity to the Harbor Industrial Area (HIA), the subcommittee on which he and Councilmember Dickenson serve.

Councilmember Warden responded that the five properties currently under evaluation by the subcommittee have no connection to the HIA.

**ACTION:** Councilmember Lieberman made a motion, seconded by Councilmember Dickenson, to appoint Councilmember Dickenson as a replacement for Councilmember Warden on the Economic Development Subcommittee.

**ACTION:** On a substitute motion by Councilmember Warden, seconded by Councilmember Feierbach, to appoint Councilmember Feierbach as a replacement for Councilmember Warden on the Economic Development Subcommittee, was approved by a show of hands (3-2, Lieberman, Dickenson no).

Councilmember Lieberman stated for the record he was still interested in serving on this subcommittee at some time in the future.

**Consideration of "History Walk" and/or display of historic documents/photos (Dickenson)**  
Councilmember Dickenson stated that due to the lateness of the hour, this item could be continued to the next meeting.

**ADJOURNMENT** at this time, being 11:15 p.m., to Continued Closed Session (Item C continued from earlier)

#### **CONTINUED CLOSED SESSION**

- D. Conference with Legal Counsel, Initiation of Litigation, pursuant to Government Code Section 54956.9: 1 Case (Continued to end of Regular Meeting.)

Attended by Councilmembers Feierbach, Warden, Dickenson, Lieberman, Mathewson, Interim City Manager Cassingham, Deputy City Attorney Noeske, Community Development Director de Melo. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 11:35 p.m. this special meeting was Adjourned.

Terri Cook

**Belmont City Clerk**

Meeting Tape Recorded and Videotaped

Audio Recording 641 (Closed Session not taped)

Minutes approved 9/12/2006